

**Planning and Zoning Commission
Minutes of August 15, 2019**

Commissioners Present: Chairman Hal Lawler, Nick Barrera, Karen Wheeler-Hall, Christina Tschappat, Mark Follis, Lo Ann Martin, Richard Warren, Jo Ann Pitzer

Commissioners Absent: Commissioner Trey Kendrick

City Staff Present: Assistant City Attorney Clark Askins, Planning and Development Director Teresa Evans, City Planner Ian Clowes, Planning Technician Chase Stewart, City Engineer Lorenzo Wingate

1. CALL TO ORDER:

Chairman Lawler called the meeting to order at 5:59 p.m.

2. ROLL CALL OF MEMBERS:

Commissioner Trey Kendrick was absent for the meeting.

3. Consider Approval of Meeting Minutes:

a) June 20, 2019 Minutes

Motion by Commissioner Barrera to approve the proposed meeting minutes

Second by Commissioner Warren

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, Pitzer and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

4. Public Hearing (6:00 pm): Open public hearing to receive input on an application for Zone Change #19-92000003, a request by Jason W. Bailey, applicant; on behalf of Bayshore Baptist Church, owner; for approval of a zone change from Low Density Residential (R-1) and High Density Residential (R-3) to General Commercial (GC), on a 10 acre tract of land located at 11311 Spencer Hwy., and legally described as a portion of Tracts 71, 71A-1, & 71A-4, La Porte Outlots.

a) **Staff Presentation:** Ian Clowes, City Planner, presents the zone change request to the Planning and Zoning Commission. It is disclosed that staff determined that the request would not be considered spot zoning.

b) **Applicant Presentation:** Jason Bailey 11022 Rosewood Court, La Porte TX – Jason Bailey informed the Planning and Zoning Commission what the proposed

development would encompass. Utilized primarily as an office with a minor section of storage of tools/electrical materials.

c) **Public Comments:**

For:

Nicole Halbert - 341 Josh Way: Voiced support

Rick Helton – 345 Josh Way: Voiced support

Ben Rosenberger (Bayshore Baptist Church Pastor): Voiced Support

Bill McDonald - 10323 Shell Rock Rd: Voiced Support

Against:

Edward Stewart – 1106 Glenbay Court: Voiced opposition

Taylor Savington – 349 Josh Way: Voiced opposition

Shane Patterson – Building home in Morgan’s Landing (no address home): Voiced opposition

Jennifer Hammock – 205 Cullen Court: Voiced opposition

- d) **Question and Answer:** Commissioner Follis questioned whether the proposed use, “industrial electrical contractor”, would be permitted in the General Commercial (GC) zoning district. Commissioner Pitzer asked about residential density for the 10 acre property with respect to other development requirements.

Motion by Commissioner Barrera to deny the proposed zone change #19-92000003

Second by Commissioner Warren

Motion to deny carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Pitzer

Nays: Chairman Lawler

Motion to deny passes, 7-1

5. **Future Land Use Map Amendment (7:03 pm):** Consider a recommendation to City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 10 acre tract of land located at 11311 Spencer Hwy., and legally described as a portion of Tracts 71, 71A-1, & 71A-4, La Porte Outlots, from “Public/Institutional” to “Commercial”.

a) **Staff Presentation:** N/A

b) **Applicant Presentation:** N/A

c) **Public Comments:** N/A

d) **Question and Answer: N/A**

Motion by Commissioner Follis to deny the proposed Future Land Use Map amendment.

Second by Commissioner Barrera

Motion to deny carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Pitzer

Nays: Chairman Lawler

Motion to deny passes, 7-1

6. **Public Hearing (7:04 pm):** Open public hearing to receive input on an application for Zone Change #19-92000004, a request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owner; for approval of a zone change from General Commercial (GC) to Planned Unit Development (PUD), on a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots.

- a) **Staff Presentation:** Ian Clowes, City Planner, presents the zone change request to allow for a multi-family development to be built on the site. Staff has determined that the request is not considered spot zoning.

- b) **Applicant Presentation:** Doak Brown – 6212 Berkline, Houston TX: Presented the 290+ unit, “Grade – A” apartment development for the site.

- c) **Public Comments:**

For:

Nolan Allen - 110370 N L St: Voiced support

Against:

Edward Stewart - 1106 Glenbay Court: Voiced opposition

Kyle Wilbrook - 3102 Ashton Ln: Voiced opposition

Neutral:

Thomas Garza – 623 S 6th St

- d) **Question and Answer:** Commissioner Follis voiced support for the apartment development on the site.

Motion by Commissioner Warren to approve the proposed Zone Change #19-92000004

Second by Commissioner Martin

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, Pitzer and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

- 7. Future Land Use Map Amendment (7:52 pm):** Consider a recommendation to City Council on a proposed amendment to Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots, from "Commercial" to "Mid-High Density Residential".

- a) **Staff Presentation:** N/A
- b) **Applicant Presentation:** N/A
- c) **Public Comments:** N/A
- d) **Question and Answer:** N/A

Motion by Commissioner Warren to approve the proposed Future Land Use Map amendment

Second by Commissioner Barrera

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

- 8. Public Hearing (7:54 pm):** Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #19-91000006, a request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners; to allow for a multi-family development to locate on a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots.

- a) **Staff Presentation:** Ian Clowes, City Planner, presents the Special Conditional Use for the multi-family development to the commission.
- b) **Applicant Presentation:** Doak Brown – 6212 Berkline, Houston TX: Presented the 290+ unit, "Grade – A" apartment development for the site.
- c) **Public Comments:** N/A
- d) **Question and Answer:** Commissioner Follis confirms the reasoning behind seeking a PUD zoning with a SCUP attachment is because of unique

characteristics of the development that would not meet code otherwise (density, proximity to existing multi-family, etc.)

Motion by Commissioner Warren to approve the proposed SCUP #19-91000006

Second by Commissioner Follis

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

9. **Consideration (8:18 pm):** Consider recommendation to City Council on changes to Chapter 106 "Zoning" of the Code of Ordinances, to adopt procedures for reconsideration of previously denied applications for property zoning classification amendments.

- a) **Staff Presentation:** Ian Clowes, City Planner, asks the Commission for their input regarding alterations to Chapter 106. The proposed changes were received positively from the Commission.

Motion by Commissioner Follis to approve the proposed procedure of "denial with prejudice" for previously denied applications for property zoning classification amendments.

Second by Commissioner Warren

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

10. **Discussion (8:19 pm):**

- a) Selection of Chapter 106 "Zoning" Subcommittee
- Commissioners Tschappat and Pitzer are considered as new members of the Chapter 106 subcommittee. Commissioner Kendrick is removed from the subcommittee.

Motion by Commissioner Wheeler-Hall to approve the appointment of Commissioners Tschappat and Pitzer to the Chapter 106 Subcommittee

Second by Commissioner Martin

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

Administrative Reports (8:19 pm): N/A

Commission Comments (8:20 pm): Commissioner Martin shares the progress of Morgan's Landing.

Adjourn (8:30 pm):

Motion by Commissioner Warren to adjourn the meeting

Second by Commissioner Martin

Motion to adjourn carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to adjourn passes, 8-0

Respectfully submitted,



Chase Stewart
Planning Technician

Passed and Approved on September 19th, 2019.



Hal Lawler
Chairman, Planning and Zoning Commission



Trey Kendrick
Secretary, Planning and Zoning Commission